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October 22, 2013

BY ECF and FAX (212) 805-0426

Hon. Laura T. Swain
U.S. District Judge
Daniel P. Moynihan U.S. Courthouse
500 Pearl St.
Courtroom 17C
New York, NY 10007

Re: *U.S. v. Daniel Fernandez*, S34 10 CR 905-02 (LTS) (SDNY)

Dear Judge Swain:

Susan Wolfe and I are newly retained sentencing counsel for Daniel Fernandez, substituting for David Raben – subject to the Court’s approval – by stipulations and appearances filed today. Per Your Honor’s Individual Rule (C)(2), we will promptly contact Ms. Ng to schedule a conference regarding our proposed substitution.

Meanwhile, in light of our recent entre, we respectfully request a two-week extension, to Nov. 7, of the deadline for filing written objections to the presentence report. The requested extension will allow us to finish reviewing the trial record and thereby enable us to frame informed objections.

I understand that the Probation Officer assigned to the case, Selwyn Foderingham Jr., previously extended the objection deadline once at Mr. Raben’s request. I emailed Ms. Elie regarding her position as to the present request, but received an automatic reply indicating that she’s on trial before Judge McMahon “for approximately two weeks” beginning Oct. 21.

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We appreciate the Court's attention and consideration, and look forward to appearing before Your Honor.

Respectfully,

/s/

Marc Fernich

cc: AUSA Amie Ely (ECF/email)
USPO Selwyn F. Foderingham Jr. (email)
David Raben, Esq. (ECF/email)